



Entered on Docket
June 18, 2010

A handwritten signature in black ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle
United States Bankruptcy Judge

LEWIS AND ROCA LLP

Robert M. Charles, Jr. (NV 6593)
John Hinderaker (AZ 018024)
Marvin Ruth (NV 10979)
3993 Howard Hughes Parkway, Ste. 600
Las Vegas, Nevada 89169-5996
Telephone (702) 949-8320
Facsimile (702) 949-8321
Email: rcharles@lrlaw.com
jhinderaker@lrlaw.com
mruth@lrlaw.com

Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE
COMPANY,

Case No. BK-S-06-10725-LBR

CHAPTER 11

Jointly Administered Under
Case No. BK-S-06-10725 LBR

**Order Sustaining Second Omnibus
Objection Of USACM Liquidating
Trust To Proofs Of Claim Based In
Part Upon Investment In The
Gramercy Court Loan**

Hearing Date: June 15, 2010
Hearing Time: 9:30 a.m.

The Court having considered the “Second Omnibus Objection Of USACM Trust To Proofs Of Claim Based In Part Upon Investment In The Gramercy Court Loan” [DE 8053] (the “Objection”); the Court having heard the Objection on June 15, 2010; appropriate notice of the Objection having been given; no response to the Objection having been filed; and good cause appearing:

Exhibit A

1 **IT IS ORDERED** that:

2 1. The Objection [DE 8053] is sustained;

3 2. The claims listed on **Exhibit A** attached are disallowed to the extent those
4 claims are based upon an investment in the Gramercy Court Loan for the reasons set forth
5 in the objection.

6 3. The claims listed on **Exhibit A** are not affected by this order to the extent
7 they are based upon an investment in another loan.

8 PREPARED AND RESPECTFULLY SUBMITTED BY:

9 **LEWIS AND ROCA LLP**

10
11 By/s/ Robert M. Charles, Jr. (# 6593)

12 Robert M. Charles, Jr.
13 John Hinderaker (*pro hac vice*)
14 3993 Howard Hughes Parkway, Ste. 600
15 Las Vegas, Nevada 89169-5996
16 Telephone: (702) 949-8320
17 Facsimile: (702) 949-8321

18 *Attorneys for USACM Liquidating Trust*
19
20
21
22
23
24
25
26

CERTIFICATION OF COUNSEL PURSUANT TO LOCAL RULE 9021

In accordance with Local Rule 9021, the undersigned certifies:

- ☐ The Court waived the requirements of approval under LR 9021.
- ☐ This is a chapter 7 or 13 case, and either with the motion, or at the hearing, I have delivered a copy of this proposed order to all counsel who appeared at the hearing, any unrepresented parties who appeared at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated below [list each party and whether the party has approved, disapproved, or failed to respond to the document.]
- ☒ This is a chapter 11 case, and I have delivered a copy of this proposed order to all counsel who appeared at the hearing, any unrepresented parties who appeared at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated below.
- ☐ I certify that I have served a copy of this order with the motion, and no parties appeared or filed written objections.

| | |
|---|---|
| U.S. Trustee: | |
| <input type="checkbox"/> approved the form of this order | <input type="checkbox"/> disapproved the form of this order |
| <input checked="" type="checkbox"/> waived the right to review the order and/or | <input type="checkbox"/> failed to respond to the document |
| Other Party: | |
| <input type="checkbox"/> approved the form of this order | <input type="checkbox"/> disapproved the form of this order |
| <input type="checkbox"/> waived the right to review the order and/or | <input type="checkbox"/> failed to respond to the document |

Submitted by:
LEWIS AND ROCA LLP

By: /s/ Robert M. Charles, Jr.
Attorneys for USACM Liquidating Trust

#

Exhibit A

| Claim | Name | Address | Total Claim Amount | Approximate Amount Subject to Objection Because it Relates to an Investment in the Gramercy Court Condos Loan |
|-------------|--|---|--------------------|---|
| 10725-00092 | Corison, James | 1427 Kearney Street St. Helena, CA 94574 | 1,023,000.00 | 50,000.00 |
| 10725-02030 | Daniel D Newman Trust Dtd 11/1/92 | C/O Daniel D Newman Trustee 125 Elysian Dr Sedona, AZ 86336 | 1,428,037.34 | 75,000.00 |
| 10725-02267 | Daniel Living Trust As Amended Dtd 1/9/98 | Mark A & Cathy A Daniel Tees 20 Redonda Irvine, CA 92620-1954 | 1,119,987.66 | 100,000.00 |
| 10725-02356 | Denise F Fager Revocable Trust Uad 2/28/03 | Denise F Fager Ttee 23741 Brisbane Bay Dana Point, CA 92629 Denise F. Fager, Trustee of the Denise F. Fager Revocable Trust UAD 2/28/03 Denise F. Fager 5 Salvatore Ladera Ranch, CA 92694 | 1,327,564.06 | 100,000.00 |
| 10725-00297 | Donahue, Michael | 1795 Newhall Ave Cambria, CA 93428-5507 | 250,000.00 | 50,000.00 |
| 10725-00473 | Donald E & Jaylyle Redmon Family Trst Dtd 10/31/95 | Donald E & Jaylyle Redmon Tees 51 Sanlo LN Mountain Home, AR 72653-6333 | 161,662.50 | 60,600.00 |
| 10726-00067 | Doucet, D. Joseph | Trustee Of Doucet Trust 3301 Skyline Blvd. Reno, NV 89509-6604 | 502,335.71 | Unknown |
| 10725-02154 | Ellen V Dustman & Oliver Henry | 31596 Th St Boulder, CO 80304 | 303,169.26 | 100,000.00 |
| 10725-02364 | Eric C Disbrow M d Inc Profit Sharing Plan | Eric C Disbrow Ttee 3840 Fairway Dr Cameron Park, CA 95682 | 895,134.00 | 50,000.00 |
| 10725-02184 | Everett, John P | Heart Clinics Northwest 6002 N Mayfair St 2nd FL Spokane, WA 99208 | 423,138.00 | 90,000.00 |